

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

JEFFREY L. SIMMONS,

Plaintiff,

v.

**Civil Action No. 2:08 CV 65
(Maxwell)**

**COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

ORDER

It will be recalled that the above-styled Social Security action is referred to United States Magistrate Judge James E. Seibert pursuant to 28 U.S.C. § 636(b)(1)(B); Rule 72 of the Federal Rules of Civil Procedure; and Rule 7.02(c) of the Local Rules of Civil Procedure.

On June 6, 2008, Magistrate Judge Seibert filed a Report And Recommendation wherein he recommended that the Plaintiff's Application For Leave To Proceed *In Forma Pauperis* be denied. The Court has carefully reviewed the Plaintiff's Affidavit in Support of Motion, and finds, based upon an independent *de novo* consideration of all matters now before it, that Magistrate Judge Seibert's Report and Recommendation accurately applies the facts to the law and should be adopted. Accordingly, it is hereby

ORDERED that Magistrate Judge Seiberts' Report and Recommendation of June 6, 2008 shall be, and the same hereby is, accepted in whole and adopted by this Court. Therefore, it is

ORDERED that the Plaintiff's Motion For Leave To Proceed *In Forma Pauperis* shall be, and the same is hereby, **DENIED**. It is further

ORDERED that the Plaintiff shall pay the full filing fee before proceeding in the above-styled civil action. Said filing fee shall be paid within twenty (20) days of entry of this Order. Failure to pay the full filling fee within twenty (20) days will result in dismissal of this civil action.

The Clerk of Court is directed to transmit copies of this Order to counsel of record.

ENTER: October 2, 2008

/s/ Robert E. Maxwell
United States District Judge